



U.S. Customs and  
Border Protection

**DETERMINATION STATEMENT PURSUANT TO 49 C.F.R. 24.7 FOR  
THE SOUTHERN BORDER FENCE PROJECT (SBI), PF 225**

1. Construction of the PF 225 Southern Border Fence Project (SBI) is considered a national priority and is scheduled for completion by December 31, 2008. Customs and Border Protection (CBP), an agency of the Department of Homeland Security (DHS), is the funding Agency for this Project.
2. An accelerated process for acquisition of necessary interests in land is essential to accommodate the scheduled construction completion date.
3. 49 C.F.R. § 24.7 provides authority for a funding Agency to except from application any provision of the regulations (not otherwise required by law) in Part 24--Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs.
4. In order to facilitate the accelerated acquisition process, and in accordance with the authority set forth in 49 C.F.R. § 24.7, I hereby grant an exception to the application of 49 C.F.R. §§ 24.102, 103, and 104. In support of this determination of exception I make the following findings:
  - a. This determination of exception does not include those provisions in 49 C.F.R. §§ 102, 103, and 104 which are required by law.
  - b. This determination of exception does not reduce any assistance or protection provided to an owner or displaced person specified by 49 C.F.R. Part 24.
  - c. This determination of exception is justified because control of the southern border of the United States is a matter of the highest national security and accelerated acquisition of necessary property interests is essential to meeting the construction schedule for the Southern Border Fence Project.
5. The specific accelerated process to be used when determined to be in the best interests of the Government is as follows:
  - a. 49 C.F.R. § 24.102 –
    - (1) As set forth in 49 C.F.R. § 24.102 each landowner will continue to receive written notice of intent to acquire, an offer of fair market value, and summary of basic legal protections; however, each of these items may be provided in a single,



comprehensive letter or other correspondence, which will also establish the initiation of negotiations for purpose of relocation assistance eligibility. No other written correspondence will be required unless the government's valuation changes. In light of this project's time requirements, negotiation periods will not exceed 30 days. A written negotiator report will be prepared for each owner.

(2) Use of Informal Value Estimates for properties valued at or below \$50,000: The use of Informal Value Estimates (IVEs) may lessen the production time and cost that is typically involved in obtaining formal appraisals for real property acquisitions. For example, IVEs generally take 30 days or less to complete, whereas a formal appraisal generally require 60 days. Informal value estimates may therefore be utilized for properties valued at or below \$50,000 – unless special circumstances dictate otherwise and a formal appraisal is deemed necessary.

b. 49 C.F.R. § 24.103 – Where it is possible to do so and still protect the government's interests, certain stated criteria regarding appraisal methodology and content may be excepted in the scope and development of appraisals, particularly where valuation of the subject property is uncomplicated.

c. 49 C.F.R. § 24.104 – Although appraisal reviews will still be completed, they will be lessened in scope and formality where possible.

6. CBP may revoke this determination of exception at any time. Additionally, notwithstanding the scope of this exception, CBP may, in its sole and exclusive discretion, determine that it is in the government's interest to apply the excepted provisions to a particular acquisition.

**(b) (6)**

Gregory Giddens  
Executive Director,  
SBI Program Management Office

Date: 31 Aug 07